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23 **UNITED STATES DISTRICT COURT**
24 **NORTHERN DISTRICT OF CALIFORNIA**
25 **SAN FRANCISCO DIVISION**

26 NICHOLAS C. SMITH-WASHINGTON, JOYCE
27 MAHONEY, JONATHAN AMES, and JENNY
28 LEWIS, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

TAXACT, INC.,

Defendant.

Case No. 3:23-CV-00830-VC

Assigned to Hon. Vince Chhabria

**NOTICE OF SETTLEMENT AND
STIPULATION FOR STAY PENDING
PRELIMINARY APPROVAL
SUBMISSION AND ~~PROPOSED~~
ORDER**

Pursuant to Local Rules 6-2 and 7-12, Plaintiffs Nicholas C. Smith-Washington, Joyce Mahoney, Jonathan Ames, and Jenney Lewis (collectively, "Plaintiffs") and Defendant TaxAct, Inc. ("TaxAct"), by and through their undersigned counsel, and subject to the approval of the Court, hereby stipulate and jointly request that the Court stay all current deadlines in these actions, take the January 11, 2024 and January 25, 2024 hearings off calendar, take the June 7, 2024 case management conference off calendar, and state the following in support thereof:

WHEREAS, on January 9, 2024 a settlement in principle was reached by and between Plaintiffs and TaxAct to resolve all of the claims and issues, subject only to the parties memorializing such agreement in a definitive settlement agreement and the approval of this Court;

WHEREAS, the parties reasonably require until February 16, 2024 to finalize and execute the formal settlement agreement and move for preliminary approval;

WHEREAS, Plaintiffs' motion of leave to file their proposed Second Amended Complaint and Plaintiffs' motion for protective order and corrective notice are scheduled to be heard by the Court on January 11, 2024;

WHEREAS, TaxAct's motion to compel arbitration and stay proceedings is scheduled to be heard by the Court on January 25, 2024;

WHEREAS, a case management conference is scheduled for June 7, 2024;

WHEREAS, a stay of this action will allow the parties to focus on finalizing the settlement and preparing the preliminary approval motion, and will conserve the resources of the parties and the Court due to the pending three motions;

NOW THEREFORE, the parties hereby stipulate and respectfully request the Court enter an Order:

- (1) Staying all dates and deadlines in the above-captioned case;
- (2) Taking the January 11, 2024 and January 25, 2024 hearings off calendar;
- (3) Taking the case management conference scheduled for June 7, 2024 off calendar; and
- (4) Requiring the parties to file a finalized settlement agreement and joint motion for preliminary approval of the settlement by February 16, 2024.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: January 10, 2024

/s/ James W. Ducayet

James W. Ducayet (*pro hac vice*)

SIDLEY AUSTIN LLP

Attorney for Defendant TaxAct, Inc.

Dated: January 10, 2024

/s/ Christina V. Tusan

Christina V. Tusan (SBN 192203)

HAMMONDLAW, P.C.

/s/ Warren D. Postman

Warren D. Postman (SBN 30869)

KELLER POSTMAN LLC

Attorneys for Plaintiffs and Putative Class

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, James W. Ducayet, attest that concurrence in the filing of this document has been obtained.

Dated: January 10, 2024

/s/ James W. Ducayet

James W. Ducayet

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the parties and good cause being shown, IT IS ORDERED that:

- (1) All dates and deadlines are stayed in this case;
- (2) The January 11, 2024 hearing on Plaintiffs’ motion of leave to file their proposed Second Amended Complaint and Plaintiffs’ motion for protective order and corrective notice is taken off calendar;
- (3) The January 25, 2024 hearing on TaxAct, Inc.’s motion to compel arbitration and stay proceedings is taken off calendar;
- (4) The June 7, 2024 case management conference is taken off calendar; and
- (5) The parties will file a finalized settlement agreement and joint motion for preliminary approval of the settlement by February 16, 2024.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 10, 2024


HON. VINCE CHHABRIA
United States District Court Judge